



PLANNING BOARD
Monday, April 4, 2016
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Acting Chairperson Hugh Dougherty at 7:38 PM.

PLEDGE OF ALLEGIANCE: Led by Mr. Dougherty.

OPMA STATEMENT: Read by Mr. Dougherty in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Hugh Dougherty, Carolyn Jacobs, Sam Kates; Moly Hung; Marlyn Kalitan; Sheila Griffith; and Betty Adler.
- **Professionals in attendance:** Paul Stridick, AIA, Director; James Burns, Esq., Solicitor; Stacey Arcari, PE, Planning Board Engineer; and Jacob Richman, PP, AICP Planner.

Comments from the Public Not Related to Items on Tonight's Agenda: Ms. Joslin of 1234 Forge Road asked for a status updated regarding the proposed affordable housing units at Short Hills Farm a/k/a Evans-Francis Estates as well as for an overview of the amount of affordable housing that the Township has provided. Mr. Stridick and Solicitor Burns provided a status update on the Evans-Francis Estates property but that they will provide the hard numbers regarding the amount of affordable housing that the Township has provided and plans to provide through an Open Public Record Act (OPRA) request.

ADMINISTRATIVE ITEMS

Appointment & Oath of Alternate #1 Member (Betty Adler). The office of office was administered to Betty Adler by Solicitor Burns.

Adoption Meeting Minutes from March 21, 2016. Sam Kates made a motion, which was seconded by Carolyn Jacobs, to adopt the Meeting Minutes from March 21, 2016. Affirmative votes Dougherty, Kates, Hung, and Jacobs. Minutes are approved.

Agenda Items:

15-P-0028 **Caffe Lamberti, LLC**
Block(s) 42.01 Lot(s) 7, 13 & 15 2011 Route 70 West
Zone: Highway Business (B2) Zone Cherry Hill, NJ

Relief Requested: A preliminary and final major site plan with a minor subdivision and bulk (C) variances to permanently enclose an existing bar area, convert an outdoor patio area to indoor dining seating, construct a 180 SF "Cold Box Addition", install a canopy over a drop-off/valet service drive aisle, install twenty-seven (27) additional parking spaces (for employees and valeted cars only), make ADA upgrades, and various other site improvements to the Caffe Aldo Lamberti restaurant. The proposal also proposes a lot line adjustment (minor subdivision) and consolidate three (3) lots into two (2) lots.

Exhibits Submitted:

- A-1: Aerial Photo with Site Plan
- A-2: Floor Plan/Building Perimeter
- A-3: Elevations
- A-4: Elevations

Discussion: Applicant Caffe Lamberti, LLC, applied for a preliminary and final major site plan with a minor subdivision and bulk (C) variances to permanently enclose an existing bar area, convert an outdoor patio area to indoor dining seating, construct a 180 SF "Cold Box Addition", install a canopy over a drop-off/valet service drive aisle, install twenty-seven (27) additional parking spaces (for employees and valeted cars only), make ADA upgrades, and various other site improvements to the Caffe Aldo Lamberti restaurant; located at 2011 Route 70 West, Cherry Hill, New Jersey (Block 42.01 Lots 7, 13 & 15). The property is owned by Romualdo and Carmela Lamberti.

Application was represented by:

- Lou Garty, Esq. – Attorney for the Applicant
- John Kornick, PE – Engineer for the Applicant
- Terence Smith – Architect for the Applicant
- George Katsikis – General Manager of Caffè Lamberti
- Romualdo Lamberti - Applicant

Ms. Garty introduced the application and this history of the restaurant, Caffè Aldo Lamberti. The applicant is proposing a number of improvements to the building and the site in addition to consolidating three (3) lots into two (2) lots. The proposal also calls for the accommodation of twenty-seven (27) parking spaces on a crushed stone lot.

Mr. Kornick submitted exhibit A-1 and gave an overview of the site and the surrounding uses. Mr. Kornick briefly described the operations of the restaurant, the existing parking configuration, and the valet service. As part of the proposed improvements, the applicant proposed a crush stone parking lot at the southwestern corner of the site that will be used for employee and valet parking. Since the lot is to be crushed stone, the proposed twenty-seven (27) parking spaces will not be striped. Mr. Kornick went over the various access points (on Route 70) into the site and noted that one of the access points is via an easement along the TD Bank property out onto Grove Street. As part of the lot consolidation, the existing single-family dwelling will be subdivided into its own lot while the restaurant and associated parking will constitute the other lot. The applicant noted that the existing home is being rented out.

Mr. Kornick stated the applicant is proposing to install a 180 SF cold box storage addition on the back of the restaurant and that the cold box will only be accessible from the inside (through the kitchen and not through the dining room). The proposed addition will match the colors and materials of the existing restaurant. The applicant is also proposing a permanent canopy over the valet drive aisle in front of the building and adding an LED changeable copy sign onto the existing freestanding sign along Route 70. It was noted that the changeable copy image will be static and will note daily specials. The applicant states that the message will only change two (2) times per day and that the sign will be turned off at the close of business. Mr. Kornick went into detail regarding site circulation and how customers will access the valet service depending upon which entrance they utilize. Mr. Kornick agreed to revise the site plan to indicate the valet drop-off area as a two-way drive aisle with a minimum width of eighteen (18') feet. The four (4) parallel parking spaces along the valet drive aisle will be for valet parking spaces only and that the nearby ADA designated ADA parking spaces will not be used for valet parking. A discussion ensued regarding the parking spaces adjacent to the bank and Solicitor Burns read in to the record Commerce Bank's (now TD Bank) authorization for the encroachment of Caffè Lamberti's parking spaces onto the bank's property.

A discussion ensued regarding the condition of the site, specifically property maintenance, and the applicant agreed to clean up the site as a condition of approval. Mr. Katsikis explained the reasoning for keeping the wooden pallets and the gas canisters. Mr. Kornick noted that the storage trailer at the southwestern portion of the site will be removed by August 2016. In regard to the storage trailers near the trash enclosure, they have since been removed. Lastly, the trailer by the office building at the back of the site is utilized as a conference room which is actually attached to the office building. The applicant stated they plan on keeping this particular trailer. In regard to lighting, the applicant stated that they will work with the Department of Community Development and ERI to assess whether lighting is required in the new parking area. The applicant will also repair the vinyl fencing and will work with the Department of Community Development on increasing the residential buffer to twenty-five (25') and on installing a more aesthetically pleasing fence.

Mr. Kornick discussed the ADA routes as well as agreeing to work with the Cherry Hill Fire Department on making sure the height of the canopy is adequate for fire trucks to drive underneath. The applicant agrees to have the single-family dwelling inspected as a rental unit as the Township has no current record of this unit being utilized as a rental property. Mr. Kornick described the proposed thirty (30) seat seasonal outdoor seating area. Mr. Kornick explained that one of the reasons to switch the sign from a manual changeable copy sign to a digital changeable copy sign is to prevent vandalism. Mr. Kornick stated that the proposed sign will not detract from the overall look of the property and will provide aesthetic value. The applicant requested that the Board permit the new changeable copy sign to have three (3) lines of messaging. Mr. Kornick discussed the proposed design waivers which were followed by a discussion regarding the residential buffer fencing. It was decided that the fence will be replaced along the south and west residential buffer lines with a new opaque fence. The north side vinyl fencing will be repaired. Mr. Lamberti noted that he does not plan on selling the existing single-family dwelling though he may tear it down in the future. A discussion further ensued regarding the fencing and it was agreed that if the residential lot is sold or developed that the vinyl fence will be replaced with an opaque fence consistent with the other fencing that will be replaced. Mr. Kornick noted that the applicant will move the two (2) proposed standalone parking spaces and mesh them into the nearby grouping of parking spaces. The applicant will also do spot repairs of the parking lot as needed. Lastly, Mr. Kornick went through ERI's letters and addressed their comments.

Mr. Smith discussed the architecture of the proposed 357 SF bar addition and canopy as well as submitting Exhibits A-2 through A-4 to illustrate the proposed changes to the building. A detailed discussion ensued regarding the engineering

and safety of the proposed canopy. Mr. Smith testified that the cold box addition will blend seamlessly into the existing building and agreed to have the Department of Community Development administratively review the design. Mr. Kornick noted that a new variance is needed for the proposed canopy as the guy wires are located at a point approximately twenty (20') from the front yard property line where a minimum twenty-five (25') setback is required.

Public Discussion: Ms. Joslin of 1234 Forge Road asked questions regarding the internal circulation and valet services to which Mr. Kornick provided clarification. Ms. Joslin asked additional questions regarding how stormwater runoff from the proposed canopy structure will be handled. Mr. Smith stated that a carpeted area underneath the canopy will absorb the runoff and provide more traction. Lastly, Ms. Joslin asked for clarification regarding the amount of ADA spaces being provided on-site and Mr. Kornick identified the spaces on the site plan.

Motion: Following the reiteration of the conditions and variances needed by Solicitor Burns, Carolyn Jacobs made a motion, which was seconded by Marlyn Kalitan, to approve the application with the conditions as stated. Affirmative votes by Dougherty, Jacobs, Kates, Hung, Kalitan, Griffith, and Adler. The application is approved unanimously.

RESOLUTIONS

Resolution Authorizing Planning Board to Enter Executive Closed Session to Discuss Pending Litigation

Cherry Hill Land Associates (CHLA) v. Cherry Hill Township, et al, Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01.

Motion to Move to Closed Executive Session: Sam Kates made a motion which was seconded by Moly Hung, to enter into a closed executive session in order to discuss pending litigation. Affirmative votes by Dougherty, Jacobs, Kates, Hung, Kalitan, Griffith, and Adler. The Planning Board entered a closed executive session at 10:00 PM.

EXECUTIVE SESSION (CLOSED) TO DISCUSS THE PENDING LITIGATION AND TO CONSIDER A SECOND AMENDMENT TO THE CHLA SETTLEMENT AGREEMENT OF SAID LITIGATION (NO FORMAL ACTION WILL BE TAKEN)

Cherry Hill Land Associates (CHLA) v. Cherry Hill Township, et al., Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01 to consider an amendment to the CHLA Settlement Agreement.

Motion to Return to Open Public Session: Sam Kates made a motion which was seconded by Betty Adler, to enter back into the open public session. Affirmative votes by Dougherty, Jacobs, Kates, Hung, Kalitan, Griffith, and Adler. The Planning Board re-entered the open public session at 10:07 PM.

RESOLUTIONS – OPEN PUBLIC MEETING

Resolutions Considering the Endorsement of the Amended CHLA Settlement Agreement

Cherry Hill Land Associates (CHLA) v. Cherry Hill Township, et al, Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01, to take action regarding an amendment to the CHLA Settlement Agreement and authorize Huge Dougherty, PE, Planning Board Acting Chairman (Vice Chairman) to sign and/or take appropriate action on behalf of the Cherry Hill Township Planning Board regarding said Settlement Agreement.

Motion to Ratify: Sam Kates made a motion which was seconded by Marlyn Kalitan, to memorialize the resolution endorsing the second amendment to the CHLA settlement agreement. Affirmative votes by Dougherty, Jacobs, Kates, Hung, Kalitan, Griffith, and Adler. The resolution is memorialized.

Meeting Adjourned: at 10:08 PM.

ADOPTED:



JOHN OSORIO, CHAIRMAN

ATTEST:



PAUL G. STRIDICK, AIA
PLANNING BOARD SECRETARY

